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# DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

Declaration  
Submitted  
with Initial  
Filing

OR

Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16(e))  
required)

Attorney Docket Number

PJS-14902-002

First Named Inventor

Frédéric FORTIN et al.

**COMPLETE IF KNOWN**

Application Number

Pending: serial PCT/FR02/03103

Filing Date

Int. Filing date: 09/12/2002

Art Unit

Pending

Examiner Name

Pending

As the below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**NUCLEUS PROSTHESIS, THE INSERTION DEVICE THEREFOR AND THE METHOD  
OF FITTING SAME**

(Title of the invention)

the specification of which



is attached hereto

OR



was filed on (MM/DD/YYYY)

as United States Application Number or PCT International

Application Number

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country (other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application<br>Number(s) | Country | Foreign Filing Date<br>(MM/DD/YYYY) | Priority<br>Not Claimed  | Certified Copy Attached? |                                     |
|--|---------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
|  |         |                                     |                          | YES                      | NO                                  |
| FR01/11905                             | France  | 09/14/2001                          | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|  |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|  |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|  |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB-02B attached hereto.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patent, Washington, DC 20231.

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## DECLARATION — Utility or Design Patent Application

Direct all correspondence to: ☒ Customer Number **35.246** OR ☐ Correspondence address below

John Moetteli of MOETTELI & ASSOCIES SàRL

Name

Address Case Postale 486; ave. de Frontenex 6

CH - 1211 Geneva 12

City

State

ZIP

Switzerland

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR: ☐ A petition has been filed for this unsigned inventor

Given Name Frédéric  
(first and middle (if any))

Family Name FORTIN  
or Surname

Inventor's X  
Signature

Date

March 10<sup>th</sup>  
2004

Pessac

Residence: City

State

FRANCE

Country

FR

Citizenship

Mailing Address 36, allée des Passerines

Pessac

City

State

33600

ZIP

FRANCE

Country

NAME OF SECOND INVENTOR: ☐ A petition has been filed for this unsigned inventor.

Given Name Johann  
(first and middle (if any))

Family Name ROBIN  
or Surname

Inventor's X  
Signature

Date

March 10<sup>th</sup>  
2004

Bègles

Residence: City

State

FRANCE

Country

FR

Citizenship

Mailing Address 1, allée du Puits de Maran

Bègles

City

State

33130

ZIP

FRANCE

Country

☐ Additional Inventors are being named on the ——— supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

**Declaration and Power of Attorney for Patent Application****Déclaration et Pouvoirs pour Demande de Brevet****French Language Declaration**

En tant que l'inventeur nommé ci-après, je déclare par le présent acte que:

Mon domicile, mon adresse postale et ma nationalité sont ceux figurant ci-dessous à côté de mon nom.

Je crois être le premier inventeur original et unique (si un seul nom est mentionné ci-dessous), ou l'un des premiers co-inventeurs originaux (si plusieurs noms sont mentionnés ci-dessous) de l'objet revendiqué, pour lequel une demande de brevet a été déposée concernant l'invention intitulée

**PROTHESE DE NUCLEUS  
INTERVERTEBRAL, SON DISPOSITIF  
D'INSERTION, ET SON PROCEDE DE  
MISE EN PLACE**

et dont la description est fournie ci-joint à moins que la case suivante n'ait été cochée:

☒ a été déposée le 09/12/02  
sous le numéro de demande des Etats-Unis ou le  
numéro de demande internationale PCT  
PCT/FR02/01103 et modifiée le  
(le cas échéant).

Je déclare par le présent acte avoir passé en revue et compris le contenu de la description ci-dessus, revendications comprises, telles que modifiées par toute modification dont il aura été fait référence ci-dessus.

Je reconnais devoir divulguer toute information pertinente à la brevetabilité, comme défini dans le Titre 37, § 1.56 du Code fédéral des réglementations.

As a below named inventor, I hereby declare that:

My residence, post-office address and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**NUCLEUS PROSTHESIS, THE  
INSERTION DEVICE THEREFOR AND  
THE METHOD OF FITTING SAME**

the specification of which is attached hereto unless the following box is checked:

☒ was filed on 09/12/02  
as United States Application Number or PCT  
International Application Number  
PCT/FR02/01103 and was amended on  
(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

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### French Language Declaration

Je revendique par le présent acte avoir la priorité étrangère, en vertu du Titre 35, § 119(a)-(d) ou § 365(b) du Code des États-Unis, sur toute demande étrangère de brevet ou certificat d'inventeur ou, en vertu du Titre 35, § 365(a) du même Code, sur toute demande internationale PCT désignant au moins un pays autre que les États-Unis et figurant ci-dessous et, en cochant la case, j'ai aussi indiqué ci-dessous toute demande étrangère de brevet, tout certificat d'inventeur ou toute demande internationale PCT ayant une date de dépôt précédant celle de la demande à propos de laquelle une priorité est revendiquée.

Prior foreign application(s)  
Demande(s) de brevet antérieure(s):  
01/11905 FR  
(Number) (Country)  
(Numéro) (Pays)

(Number) (Country)  
(Numéro) (Pays)

Je revendique par le présent acte tout bénéfice, en vertu du Titre 35, § 119(e) du Code des États-Unis, de toute demande de brevet provisoire effectuée aux États-Unis et figurant ci-dessous.

(Application No.) (Filing Date)  
(N° de demande) (Date de dépôt)

(Application No.) (Filing Date)  
(N° de demande) (Date de dépôt)

Je revendique par le présent acte tout bénéfice, en vertu du Titre 35, § 120 du Code des États-Unis, de toute demande de brevet effectuée aux États-Unis ou en vertu du Titre 35, § 365(c) du même Code, de toute demande internationale PCT désignant les États-Unis et figurant ci-dessous et, dans la mesure où l'objet de chacune des revendications de cette demande de brevet n'est pas divulgué dans la demande antérieure américaine ou internationale PCT, en vertu des dispositions du premier paragraphe du Titre 35, § 112 du Code des États-Unis, je reconnais devoir divulguer toute information pertinente à la brevetabilité, comme défini dans le Titre 37, § 1.56 du Code fédéral des réglementations, dont j'ai pu disposer entre la date de dépôt de la demande antérieure et la date de dépôt de la demande nationale ou internationale PCT de la présente demande.

PCT/FR02/03103; Int. filing date  
(Application No.) (Filing Date)  
(N° de demande) (Date de dépôt) 09/12/2002

(Application No.) (Filing Date)  
(N° de demande) (Date de dépôt)

Je déclare par le présent acte que toute déclaration ci-incluse est, à ma connaissance, véridique et que toute déclaration formulée à partir de renseignements ou de suppositions est tenue pour véridique; et de plus, que toutes ces déclarations ont été formulées en sachant que toute fausse déclaration volontaire ou son équivalent est passible d'une amende ou d'une incarcération, ou des deux, en vertu de la Section 1001 du Titre 18 du Code des États-Unis, et que de telles déclarations volontairement fausses risquent de compromettre la validité de la demande de brevet ou du brevet délivré à partir de celle-ci.

I hereby claim foreign priority under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below, and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Priority Claimed  
Droit de priorité revendiqué

14.07.2001  
(Day/Month/Year Filed)  
(Jour/Mois/Année de dépôt)

(Day/Month/Year Filed)  
(Jour/Mois/Année de dépôt)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

PCT/FR02/03103; Pending

(Status) (patented, pending, abandoned)  
(Statut) (breveté, en cours d'examen, abandonné)

(Status) (patented, pending, abandoned)  
(Statut) (breveté, en cours d'examen, abandonné)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### French Language Declaration

**POUVOIRS:** En tant que l'inventeur cité, je désigne par la présente l'(les) avocat(s) et/ou agent(s) suivant(s) pour qu'ils poursuive(nt) la procédure de cette demande de brevet et traite(nt) toute affaire s'y rapportant avec l'Office des brevets et des marques: (mentionner le nom et le numéro d'enregistrement).

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: (list name and registration number)

**John MOETTELI, MOETTELI & ASSOCIES SàRL, Sherman PERNIA**

Adresser toute correspondance à:  
**Moetteli & Associés SàRL, C.P. 486, 6 ave. de Frontenex  
CH-1211, Geneva 12, Switzerland**

Adresser tout appel téléphonique à:  
(nom et numéro de téléphone)

Direct Telephone Calls to:  
(name and telephone number)

**John MOETTELI, +41227477849**

|   |  |
|---|--|
| Nom complet de l'unique ou premier inventeur<br><b>Frédéric FORTIN</b>            | Full name of sole or first inventor<br><b>Frédéric FORTIN</b>                        |
| Signature de l'inventeur <i>[Signature]</i> Date <b>March 9<sup>th</sup> 2004</b> | Inventor's signature <i>[Signature]</i> Date <b>March 9<sup>th</sup> 2004</b>        |
| Domicile <b>36, allée des Passerines<br/>F-33600 Pessac</b>                       | Residence <b>36, allée des Passerines<br/>F-33600 Pessac</b>                         |
| Nationalité <b>FR</b>   | Citizenship <b>FR</b>  |
| Adresse postale <b>36, allée des Passerines<br/>F-33600 Pessac</b>                | Post Office Address <b>36, allée des<br/>Passerines, F-33600 Pessac</b>              |
| Nom complet du second co-inventeur, le cas échéant<br><b>Johann ROBIN</b>         | Full name of second joint inventor, if any<br><b>Johann ROBIN</b>                    |
| Signature du second inventeur <i>[Signature]</i> Date <b>9 mai 2004</b>           | Second inventor's signature <i>[Signature]</i> Date <b>March 9<sup>th</sup> 2004</b> |
| Domicile <b>1, allée du Puits de Maran<br/>F-33130, Bègles</b>                    | Residence <b>1, allée du Puits de Maran<br/>F-33130, Bègles</b>                      |
| Nationalité <b>FR</b>   | Citizenship <b>FR</b>  |
| Adresse postale <b>1, allée du Puits de<br/>Maran, F-33130, Bègles</b>            | Post Office Address <b>1, allée du Puits de<br/>Maran, F-33130, Bègles</b>           |

(Fournir les mêmes renseignements et la signature de tout co-inventeur supplémentaire.)

(Supply similar information and signature for third and subsequent joint inventors.)

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# **POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM**

|                        |   |
|------------------------|---|
| Application Number     | Pending: cont of PCT/FR02/03103   |
| Filing Date            | Int'l. filing date: 09/12/2002  |
| First Named Inventor   | Frédéric FORTIN et al.  |
| Title                  | MICULUS PROTECTUS, THE COORDON DEVICE THEREFOR AND THE METHOD OF FITTING SAME |
| Art Unit               | Pending   |
| Examiner Name          | Pending   |
| Attorney Docket Number | PUS-H002-002  |

I hereby appoint:

☒ Practitioners associated with the Customer Number:

35,246

OR

☐ Practitioner(s) named below:

| Name            | Registration Number |
|-----------------|---------------------|
| John MOETTEL    | 35,289              |
| Sharmar PERINIA | 34,404              |
|                 |                     |
|                 |                     |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

35,248

OR

☐ Firm or Individual Name John Moettel, of MOETTEL & Associés SARL

|           |                    |       |              |
|-----------|--------------------|-------|--------------|
| Address   | Case Postale 456   |       |              |
| Address   | Ave de Frontenex 6 |       |              |
| City      | Geneve 12          | State | Zip CH-1211  |
| Country   | SWITZERLAND        |       |              |
| Telephone | +41227477849       | Fax   | +41223477887 |

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

## SIGNATURE of Applicant or Assignee of Record

|           |                            |           |              |
|-----------|----------------------------|-----------|--------------|
| Name      | FORTIN, Frédéric           |           |              |
| Signature | X                          |           |              |
| Date      | March 9 <sup>th</sup> 2004 | Telephone | +33556369929 |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ \*Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

|                        |   |
|------------------------|---|
| Application Number     | Pending: cont of PCT/FR02/03103                         |
| Filing Date            | Int. filing date: 09/12/2002                            |
| First Named Inventor   | Frédéric FORTIN et al.                                  |
| Title                  | NUCLEUS PROSTHESIS, THE INJECTION OF THE PROSTATE GLAND |
| Art Unit               | Pending   |
| Examiner Name          | Pending   |
| Attorney Docket Number | PUS-H002-002  |

I hereby appoint:

☒ Practitioners associated with the Customer Number:

35,246

OR

☐ Practitioner(s) named below:

| Name           | Registration Number |
|----------------|---------------------|
| John MOETTEL   | 35,289              |
| Sherman PERNIA | 34,404              |
|                |                     |
|                |                     |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

35,246

OR

☐ Firm or Individual Name John Moetzel, of MOETTEL & Associés SARL

Address Case Postale 486

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City Genève 12 State Zip CH - 1211

Country SWITZERLAND

Telephone +41227477849 Fax +41223477887

I am the:

☒ Applicant/Inventor.☐ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)**SIGNATURE of Applicant or Assignee of Record**

|           |                                    |
|-----------|------------------------------------|
| Name      | ROBIN Johann                       |
| Signature | <i>[Signature]</i> March 10th 2004 |
| Date      | Telephone +3356852018              |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ \*Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-0199 and select option 2.